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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/752,878	01/07/2004	Mark Jeffries	59905	4563

27148 7590 11/02/2004

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EXAMINER

BOSWELL, CHRISTOPHER J

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 11/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/752,878

Applicant(s)

JEFFRIES, MARK

Examiner

Christopher Boswell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

Claims 5, 8, and 15 are objected to because of the following informalities: in claims 5 and 15, line 1, there is the phrase "a an arm", the examiner believes this is a typographical error, and should read --an arm--; claim 8 recites the word "envelopes", the examiner believes this word to be misspelled, and should be --envelops--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Number 2,620,213 to Keeler.

Keeler discloses a latching device comprising a housing (17) having a detent (19), a bolt (15) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 2), a spring member (25) in communication with the bolt, the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (column 3, lines 21-27) and including a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 4), as in claim 1.

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Keeler also discloses the detent includes two detents (17) and the detents include protrusions extending from the housing (figures 1 and 2), as in claim 2, and a trailer (27) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (column 3, lines 5-9), as in claims 3 and 4.

Keeler further discloses the spring member includes an arm (figure 3) configured for exhibiting spring-like behavior, the arm including a tip (29), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in the extended position, as in claim 5, as well as the housing includes oppositely disposed grooves (21) extending therethrough and the bolt includes lateral portions with edges (16) for receipt in the respective grooves (figure 4), as in claim 6, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 7.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 8-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Keeler, in view of U.S. Patent Number 5,472,248 to Flowerday.

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Keeler discloses the invention substantially as claimed. Keeler discloses a latching device comprising a housing (17) having a detent (19), a bolt (15) configured for sliding at least partially within the housing between a retracted position and an extended position, where the bolt extends beyond the housing (figure 2), a spring member (25) in communication with the bolt, the spring member configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing (column 3, lines 21-27). However, Keeler does not disclose that the housing envelops the bolt. Flowerday teaches of a bolt housing (12) that envelops a bolt (14) and has an outer surface configured for fitting in a correspondingly shaped track in a structure in the same field of endeavor for the purpose of guiding the bolt in a longitudinal axis. It would have been obvious to one with ordinary skill in the art at the time the invention was made to incorporate the housings of Flowerday in the latching device to cover the bolt of Keeler in order to guide the bolt in a longitudinal direction.

Keeler additionally discloses a portion configured for engaging the at least one detent of the housing to retain the bolt in the extended position (figure 4), as in claim 11, and where the detent includes two detents (17) and the detents include protrusions extending from the housing (figures 1 and 2), as in claim 12, and a trailer (27) with a lip in communication with the spring member, the trailer configured for at least partially retaining the bolt in a frictionally snug and slideable engagement within the housing and limiting travel of the bolt (column 3, lines 5-9), as in claims 13 and 14.

Keeler also discloses the spring member includes an arm (figure 3) configured for exhibiting spring-like behavior, the arm including a tip (29), the tip defining the portion of the spring member configured for engaging the at least one detent of the housing to retain the bolt in

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the extended position, as in claim 15, as well as the housing includes oppositely disposed grooves (21) extending therethrough and the bolt includes lateral portions with edges (16) for receipt in the respective grooves (figure 4), as in claim 16, as well as a tab (23), the tab in communication with the bolt, and the housing including a slot (22) for receiving at least a portion of the tab, as in claim 17.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The following patents are cited to further show the state of the art with respect to latching devices with longitudinally extending bolts:

U.S. Patent Number 6,666,486 to Fleming, U.S. Patent Number 4,218,904 to Kiselman, U.S. Patent Number 3,806,175 to Van Herpen, U.S. Patent Number 3,141,692 to Behrens, U.S. Patent Number 1,510,562 to Segal, U.S. Patent Number 1,023,455 to Vom Bruck, U.S. Patent Number 310,787 to Buckley et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Christopher Boswell whose telephone number is (703) 305-4067. The examiner can normally be reached on 8:30 - 5:00 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (703) 308-2686. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink that reads "Daniel P. Stodola". The signature is fluid and cursive, with the first name "Daniel" being more prominent than the last name "Stodola".

CJB

October 29, 2004

DANIEL P. STODOLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600